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CHAPTER 16

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TIMING AND SEQUENCING OF POST-CONFLICT RECONSTRUCTION AND PEACEBUILDING EFFORTS IN SOUTH SUDAN

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DAVID J. FRANCIS

INTRODUCTION

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BARELY three years after independence, the world's newest state, South Sudan, imploded in a violent war on 15 December 2013, with the international media portraying the conflict as simply about ethnicity and the all-too-familiar violent struggle for power in Africa. All the signs of an imminent violent conflict were visible, but the new ruling and governing elites in charge of the new state, as well as the international community, failed to invest in post-independence nation-building and post-liberation-war peace-building, thereby creating a conducive environment for the current conflict. Critical failures include: the UN Mission in South Sudan's cautious optimism amid increasing violent political tensions; the international community's preoccupation with preventing war with Khartoum Sudan over the oil-rich Abyei region; the leadership failures of the new ruling elites and the curse of Liberation Movements in power; and the failure to transform the South Sudan People's Liberation Army into a professional national army and the South Sudan Liberation Movement into a legitimate and democratically accountable political party.

Based on extensive field research in Sudan and South Sudan between 2005 and 2013, this chapter argues that the international response to post-independence nation-building and post-liberation-war peacebuilding were not predicated on coher-ent and consistent timing and sequencing. I posit that in the particular case of South

Sudan, it was the marked inconsistency, poor coordination, and lack of domestic legitimacy and ownership of the post-liberation-war peacebuilding and nation-building interventions that aggravated the fundamental grievances leading to the outbreak of the December 2013 civil war. If anything, the case study of South Sudan demonstrates how events on the ground and the pursuit of the strategic interests of the key stakeholders framed and determined the nature, scope, timing, and even the sequencing of post-war peacebuilding and nation-building. But this false start in South Sudan may just provide the opportunity for the international community and, in particular, the Troika countries (USA, UK, and Norway) to play a lead role in mobilizing international efforts to invest in state formation and nation-building.

DETERMINANTS OF TIMING AND SEQUENCING OF POST-WAR PEACEBUILDING IN SOUTH SUDAN

The twenty-two-year liberation war that led to the political independence of South Sudan from Sudan on 11 July 2011 provided the opportunity for the intervention of powerful national, regional, and external actors. The liberation war converted South Sudan into a proxy for the extension and attainment of foreign, military/security, geopolitical, and economic strategic interests of regional and external actors. With the formal end of the war and the signing of the Comprehensive Peace Agreement (CPA) in 2005, which led to the deployment of the UN Mission in Sudan (UNMIS), the South Sudan Troika became the focal point for the mobilization of international support for nation-building and post-war peacebuilding. The CPA, supported by the Troika countries, the African Union, pivotal regional states such as Uganda, Kenya, and Ethiopia, and the international community, presented an overtly optimistic approach to nation-building in post-independence South Sudan. The CPA and the international community gave only six years (2005–11) for South Sudan to establish the foundations, state governing institutions, policies, processes, and structures of statehood, in an environment of extreme poverty, underdevelopment, and devastation caused by decades of war. It is inconceivable to expect that within six years South Sudan would even begin to establish the foundation for a viable modern state, something that most post-independence states in Africa are still grappling with fifty to sixty years after political independence. So was the international community naive to assume that six years is enough to begin the difficult, complex, and sometimes chaotic process of state formation and nation-building? The simple answer is no. It is instructive to note that the international community's involvement in promoting the break-up of Sudan and propping up post-independence nation-building interventions in South Sudan, framed by the

liberal peacebuilding project, have been based on short-term, quick-fix, and exit-strategy orientation. It is therefore not surprising that the six-year time frame to 'build' the structures and foundations for a new state was very much an exit strategy to allow the main external backers of political independence in South Sudan to triumphantly state 'mission accomplished'. Henceforth, the backers of independence in South Sudan will be absolved from all blame if the new South Sudanese ruling and governing elites make a mess of the new state they have produced for them.

Within the context of the independence euphoria and optimism about the future of South Sudan, developing a coherent and coordinated programme for post-liberation-war peacebuilding and nation-building was hardly at the top of the agenda of the international community. If anything, and with the deployment of UNMIS, bureaucratic planning of the peacebuilding interventions became the immediate priority. The demarcation of the militancy/security dimensions of peacebuilding from the critically important areas of rehabilitation and reintegration of ex-combatants as well as security-sector reform and governance of the security agencies (SPLA and police forces) was unhelpful. This demarcation of peacebuilding roles or division of labour meant that the military/security functions of UNMIS received core UN funding whilst the rehabilitation and reintegration of ex-combatants as well as the reform of the security sector was expected to be funded on a voluntary basis by development agencies and the international community. Within the UN system, this inevitably led to intense competition for resource allocation and political leverage between and amongst UN agencies, thereby undermining the coordination, coherence, timing, and sequencing of post-war peacebuilding interventions.

Between 2005 and 2011 the new ruling and governing elites in South Sudan hardly focused on building and developing the apparatus, structures, institutions, policies, and decisions for a strong, viable, and modern new state. Rather than focus on the efficient political and economic management of the emerging state, the ruling and governing elites preoccupied themselves with what Jean-François Bayart described as the 'politics of the belly' and the worst forms of prebendal politics that did not make any distinction between the public and the private realms of the new states and its emerging governance institutions (Bayart 1993; Clapham 1998; Francis 2006: 51–3). Within the context of the vast opportunities created by neo-patrimonial governance in the new state, the new ruling and governing elites were more interested in assuming control over the new state and access to its patrimonial resources. The contestations, jostling for power, and intensive, often violent competition amongst the political elites made the implosion into civil war inevitable.

What is more, the timing and sequencing, if any, of the international community's post-war peacebuilding and nation-building in the particular case of South Sudan have been determined, influenced, and shaped by developments and events on the ground as well as the pursuit of the strategic interests of all the major backers who promoted the break-up of Sudan and the independence of South Sudan. To put this in context, three key events directly influenced and determined the nature and scope of the international community's intervention/involvement in South Sudan.

Firstly, to facilitate the break-up of Sudan, generally perceived by most Western governments as a rogue state that sponsored state terror[1] (Lacey 2004), and to ensure the independence of the largely Christian South Sudan from Islamic 'Khartoum Sudan', the UN Mission in Sudan (UNMIS) was deployed between 2005 and July 2011. The mandate of UNMIS was to monitor and support the implementation of the Comprehensive Peace Agreement that formally ended the twenty-two-year liberation war between SPLA and the Khartoum government (UNSC 2005).

Secondly, the international concern and fear about an imminent war between the newly independent South Sudan and Khartoum Sudan forced the establishment and deployment of the UN Mission in South Sudan (UNMISS). UNMISS was established with a Chapter VII peace-enforcement, multidimensional peacekeeping mandate to support the newly independent state, to consolidate peace and security, and to 'use all necessary means' to carry out its civilian protection mandate (UNSC 2011). It was the international community's concern that South Sudan posed a threat to international peace and security in the region that forced the UN Security Council to deploy UNMISS.

Thirdly, the outbreak of the civil war in December 2013 produced two important developments. It led to the dramatic overall increase in the troop strength of UNMISS from 7,000 to 12,500 military personnel and from 900 to 1,323 police personnel. The UNMISS budget, as of May 2015, is US$1,097,315 billion.[2] It also led to a shift in posture of UNMISS from its primarily peacebuilding mandate to a focus on civilian protection, nation-building, and post-war peacebuilding as a guarantor of long-term peace, security, and development.

Based on the above outline, it is argued that the international community's involvement in post-independence nation-building and post-liberation-war peacebuilding was largely driven and framed by developments on the ground. In fact, this rather ad-hoc and improvised involvement in post-war peacebuilding is hardly a model of coherent, coordinated, and predictable timing and sequencing. This is not to claim that the international actors involved in South Sudan and, in particular, the UN, were oblivious of the importance of coordination and coherence of post-war peacebuilding interventions. The original mandate of UNMISS stressed the imperative for a 'comprehensive and integrated approach' to post-war peacebuilding, the 'need for coherent UN activities [. . .] which requires clarity about roles, responsibilities and collaboration between UNMISS and other UN Country Teams, and the need for cooperation with other relevant actors in the region', and a 'more effective and coherent national and international response' to post-conflict peacebuilding (UNSC 2011: 1–2). However,

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[1] The Republic of Sudan, which before partition was Africa's largest country and one of the world's most populous Islamic states, has been perceived by most Western governments as a rogue state that sponsors state terror. The Islamist dictatorship under General Omar Al Bashir once hosted the leader of al-Qaeda, Osama Bin Laden, and provoked US military air strikes against the Khartoum government by the Clinton Administration in 1998. President Bashir is currently indicted by the International Criminal Court (ICC) for war crimes committed against his people in the Darfur region.

[2] UNMISS Mandate <http:www.un.org/en/peacekeeping/missions/unmiss/mandate.shtml>.

this UN aspiration for a coordinated, coherent, and integrated approach to post-war peacebuilding was hardly achieved as events on the ground dictated the level, nature, scope, and even timing of peacebuilding and nation-building interventions. What is more, all these developments happened within the complex and delicate politics of the pursuit of vested interests by the key backers of South Sudan, including the Troika, the African Union, the Intergovernmental Authority on Development (IGAD), South Sudan's important neighbours such as Uganda, Ethiopia, and Kenya, and major investors in the country's new oil sector such as China. In addition, the 2005 CPA did not specify nor even mention the timing and sequencing of post-independence peacebuilding and nation-building (Comprehensive Peace Agreement 2005). But to understand the challenges and dilemmas for the timing and sequencing of post-conflict peacebuilding, it will be useful at this stage to provide a context of the civil war in South Sudan and how this singular development challenged the concept and practice of timing and sequencing of peacebuilding interventions.

WHY THE NEW VIOLENT CONFLICT?

The current war was sparked off by violent clashes in December 2013 between the pro-government forces of President Salva Kiir and forces loyal to his sacked former vice president Reik Machar. Allegations of an attempted military coup to overthrow president Kiir's government were refuted by Machar, and this escalated into a violent war, with Reik Machar's rebel faction now committed to overthrow Kiir's government by military means. The allegation of a coup attempt and subsequent armed rebellion led to mass arrests and detentions of senior SPLM ruling-party members and former cabinet ministers sacked by President Kiir in July 2013, all perceived to be sympathetic to Reik Machar. Despite the presence of a UN peacekeeping force with a Chapter VII mandate for peace enforcement, the rebel faction made dramatic military gains by capturing the strategic regional capitals of Bor, Bentiu, and the oil-rich Malakal in the Upper Nile State. Uganda's military intervention on the side of the government of President Kiir has turned the tide against Machar's rebel faction. By the end of January 2015, the government forces, supported by the superior fire power of the Ugandan military, have recaptured all the strategic towns and forced the rebel faction to negotiate a political settlement of the crisis.[3] Peace negotiations in Addis Ababa,

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[3] Uganda's military intervention is driven by its own strategic national interests and geopolitical considerations. Uganda has deployed two battalions of 1,600 soldiers and helicopter gunships. South Sudan is a major commercial and intra-regional trading partner, providing significant economic and financial gains for the government of Uganda. In addition, the ongoing conflict threatens the peace and security of the country, in particular, the long-running Lord's Resistance Army (LRA) war in the northern Uganda. Uganda's military intervention is therefore a pre-emptive attempt to prevent any relapse into further war in northern Uganda. I have been informed by senior military officers in both the SLPA and the Ugandan People's Defence Forces (UPDF) that there is no love lost between President

Ethiopia, led by the regional organization, IGAD, and South Sudan's important neighbours of Ethiopia, Kenya, and Uganda, with the support of Troika countries (UK, USA, and Norway) and the EU, mediated a ceasefire on 24 January 2014 between the government and the rebels. The war and implosion of the new state has claimed more than 10,000 casualties, created 1.6 million internally displaced persons, and caused an estimated half a million refugees to flee to neighbouring countries (Global Conflict Tracker 2015).

But what caused this civil war in less than three years of political independence from Khartoum Sudan? The current conflict has been simplified as primarily about tribalism or ethnic rivalry and the age-old violent struggle for power. But the current conflict defies this rather simplistic interpretation because those sacked by President Kiir in July 2013 and those political prisoners incarcerated after the December 2013 armed rebellion included those who do not support either Kiir or Machar and, in fact, do not belong to the two dominant ethnic groups of Dinka and Nuer. This ethnic labelling of the conflict is derived from the fact that some of the killings by both groups have been targeted at the rival ethnic groups from which the two protagonists come. President Kiir is not only a Dinka, but most of the senior government ministers are drawn from his Dinka ethnic group.[4] Similarly, Reik Machar is not only from the Nuer, one of the two largest ethnic groups, but also the rank and file of the army are drawn from the Nuer ethnic group.

Notwithstanding this, the current violent conflict has been triggered by a power struggle within the SPLM ruling party: in particular, the bitter and irreconcilable differences between President Kiir, who also serves as leader of the SPLM party, and his sacked vice president Reik Machar. Kiir and Machar have not been close allies, but worked together closely in the SPLA and SPLM during the liberation war. Machar and other senior SPLM leaders have openly criticized President Kiir's leadership in failing to tackle rampant corruption and not delivering on the independence dividend of jobs, food security, and delivery of social services. Machar and other senior SPLM leaders with presidential ambitions have called on Kiir not to put forward his candidacy for the 2015 presidential elections (now postponed to 2018), openly accusing him of

Museveni of Uganda and Reik Machar because of his alleged military support for the LRA rebels and for being used as proxy in the 1990s by the Khartoum government to destabilize northern Uganda. There are also allegations that President Bashir has provided covert military support for President Kiir. This realpolitik intervention on the part of President Bashir is understandable because he has not welcomed the ongoing war in South Sudan due to its devastating impact on Sudan's economy and oil revenue, against the background of domestic protests about rising unemployment and high living costs. Massive refugee flows into Khartoum Sudan also threaten the country's security. It is alleged that Bashir provides covert military support to bolster Kiir's military victory and thus facilitate the normal oil production and flow of oil revenue. At the same time, Bashir wants to deny any military support by Reik Machar's rebel factions to the anti-Khartoum rebel forces in Southern Kondorfan. Both Bashir and Kiir have found themselves in a peculiar situation of mutual interdependence.

[4] The Dinkas are not a unified ethnic group and are further divided into socio-political and hierarchical sub-groups of more than twenty-five different Dinka sections/clans. They comprise 18 per cent of the population, with their own distinctive ethno-national flag.

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authoritarian rule since assuming leadership of the SPLM in 2005. Machar and all those with presidential ambitions have raised unrealistic expectations for President Kiir to deliver development and socio-political progress within a very short time.

The above interpretation gives the impression that the current opposition to Salva Kiir's government is largely made up of sacked former cabinet ministers and disgruntled senior cadres of the SPLM. This is not the case. The opposition to Kiir's government is in fact a motley collection of disparate interest groups broadly categorized as a political and military opposition. The political/civil opposition includes the widow of the late SPLA/M leader, Rebecca Nyandeng de Mabior Garang (now popularly described as 'mother of the nation', who also has presidential ambitions), the sacked SPLM Secretary-General, Pagan Amum Okiech, and the former Minister of Cabinet Affairs, Deng Alor Kuol. The military opposition includes Reik Machar Teny, the sacked elected governor of the oil-rich Unity State, Taban Deng Gai[5], and several senior military officers commanding divisions in Malakal, Bentiu, and Bor. Both the political and military opposition groups are united in a common purpose to remove Kiir by political means and the scheduled democratic elections provided the opportunity to do so. However, and according to confidential SPLM sources, the allegation is that after his sacking, Machar had planned to remove Kiir by military means, so this current war is part of a long-term plan to depose Kiir. But it is not clear whether members of the so-called political opposition group knew about Machar's military objective. Both groups also operated with a high degree of suspicion and lack of trust, in particular with regard to who should lead the groups upon the removal of Kiir. According to SLPA intelligence sources, Machar's pre-emptive military rebellion, orchestrated as a mutiny in the Tiger Battalion (the main military command centre), was in fact a strategic move to position himself as the main leader in the post-Kiir period. In addition, local civil-society organizations, journalists, and rights-based groups have persistently criticized President Kiir for failing to address increasing insecurity and violence, rampant corruption, massive unemployment, and general lack of socio-economic development. The response of Kiir's government has been to use the state security agencies, i.e. the military and police forces, to brutally crush all forms of dissent and opposition to the SPLM government.

The fact that intense power struggles and political rivalry between and amongst key leaders of the SPLM have degenerated into full-scale armed conflict is not unprecedented. Historically, power struggles within SPLA/M have often led to armed violence and breakaway factions. The more than two decades of liberation war have seen internecine armed conflicts within SPLA/M leadership. In 1991 Reik Machar and Akol Ajawin, the two deputies of the SPLA/M leader John Garang, were both forced to break away from the SPLA in a failed attempt to depose Garang at the height of the liberation war. This violent split, mobilized along the Dinka and Nuer ethnic lines, led to reprisal massacres between Machar's Nuer and Garang's Dinka communities which

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[5] In September 2011, President Salva Kiir sacked Governor Taban Deng Gai over corruption allegations, using a presidential decree. This sacking was criticized as unconstitutional.

lasted for seven years. There was no form of accountability for these atrocities nor any justice for the victims of these politically mobilized massacres and violence. What is clear is that power struggles amongst SPLA/M leaders often lead to violent conflict along ethnic lines, whereby political leaders use the military and mobilize ethnic groups for violence and mass killings. This current war follows the familiar historic patterns of conflict that started with the liberation wars with Khartoum Sudan: ethnically-orchestrated resource-based conflicts amongst cattle herding communities, and violent power struggles and political rivalries between and amongst SPLA/M leaders. With the common enemy, Khartoum Sudan, gone as a result of political independence, power struggles amongst the political leaders have become increasingly ethnicized and hence the call on their loyalists and constituencies within the fractious SPLA National Army to achieve their political objectives.

MAPPING THE CRITICAL FAILURES OF THE INTERNATIONAL COMMUNITY

In July 2011 the new state was immediately called upon to demonstrate the multiple, complex, and simultaneous tasks and responsibilities of a modern state, with only six years of preparation for statehood after the signing of the CPA in 2005. The CPA provided for a permanent ceasefire between the government of Khartoum and SPLA/M, a power-sharing government, a wealth-sharing framework with South Sudan sharing 50 per cent of the oil revenue, and political independence within six years. But the charismatic SPLA/M leader John Garang died in a helicopter crash in August 2005 and was succeeded by Salva Kiir, his deputy leader. At the crucial moment when the birth of South Sudan was being prepared for, the 'midwife' was removed from the scene. The difficult and complex task of state formation and nation-building was thrust on both Salva Kiir and Machar (Machar was made deputy to Kiir in 2005). It was therefore inevitable that, at birth, South Sudan was not prepared for statehood, nor did the international community[6] prepare for the development of a modern, viable, and democratically accountable new state. According to Jok Makut Jok (2014: II), the unravelling of the new state of South Sudan seem to have 'caught the international community within the country—represented by the United Nations, the European Union, the African Union, and various diplomatic missions—totally off guard'. The excessive preoccupation of key sections of the international community, in particular

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[6] The international community refers to all the diverse external actors and agencies involved in South Sudan, in particular those governments and intergovernmental institutions that have been closely associated with the liberation of South Sudan and its post-independence nation-building efforts. They include the Sudan Troika, EU, UN, African Union, IGAD, IMF and World Bank, African Development Bank, development cooperation partners, diplomatic missions, INGOs, and international humanitarian relief agencies.

the USA (government, Church, and Hollywood celebrities), to secure the independence of South Sudan at all costs, detracted attention from the imperative to develop realistic socio-economic development and governance agenda in the post-independence period. William Wallis (2014) captures this glaring neglect, stating that the 'vicious conflict has exposed the naivety of those self-appointed cheerleaders of Southern independence abroad, who argued that all other issues were secondary to sovereignty [. . .]. But it is also the case that many of the new state's most ardent supporters have been guilty of looking the other way, when things started going wrong—such was their desire to see the project work.'

By all indications, the new ruling and governing elites were not only complicit, but it was politically strategic to support the peace settlement as it made them 'masters' of the new state, with control and access to power and the state's patrimonial resources. Their attitude and prebendal political instinct was very much the mantra of Kwame Nkrumah—'seek ye first the political Kingdom and all else shall be added on to you' (Biney 2008). For the political elites, the issue of timing and sequencing of post-war peacebuilding was hardly on their agenda. However, and in fairness to them, it has been difficult to verify whether timing and sequencing of post-war peacebuilding was ever part of the political settlement. It is reasonable to assume that in the context of the independence euphoria the importance of timing and sequencing of peacebuilding interventions was just simply neglected. In effect, the elite compromise in the peace settlement was not the problem so much as the failure of leadership among the new elites as well as the failures of the international community that created an environment that was conducive to the implosion of the new state and the descent into war.

UN's Cautious Optimism amidst Increasing Violent Political Tensions

The current crisis was one waiting to happen and the signs were apparent since independence. The international community—in particular the Sudan Troika, the UN, the EU, IGAD, and the African Union—ignored all the signs of the impending implosion. After independence in July 2011, the mandate of UNMIS was expanded and renamed UNMISS to support the consolidation of peace, security, and conditions for development of the new state. The UNMISS nation-building and peacebuilding mandate was a Chapter VII mission, permitted to take 'all necessary actions' to protect civilians, UN personnel, and humanitarian workers.[7] A month before the outbreak of the current war, the UN was expressing 'cautious optimism' about the country. The head of UNMISS, Hilde Johnson, in her report to the UN Security Council in November 2013, expressed cautious optimism whilst acknowledging the internal

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[7] UNMISS's current troop deployment capability is 12,500.

security challenges stating that 'South Sudan continues to face serious challenges in the area of the promotion and protection of human rights. Key issues include prolonged arbitrary detentions, excessive use of force and the arbitrary killings by ill-disciplined security forces and agencies' (Freund 2013).

Similarly, the UN Special Representative to South Sudan, Francis Deng's statement to the UN Security Council confirmed the perception of cautious optimism and progress made by the new state, stating, 'The government has court martialled those soldiers who committed abuses and has opened new investigations into abuses. It is my belief that we have responded as fast as was possible in difficult circumstances to the need for justice and accountability' (Freund 2013). Whilst the top UN officials in the country were busy reassuring the world that the international community could not afford to see the failure of the world's newest state, the country was imploding before their very eyes. Yet this is a classic case of the UN and the international community getting things wrong because of inadequate understanding of domestic situations leading to ill-defined and inappropriate policy responses. The African Union for its part was preoccupied with the prospect of a war between Khartoum Sudan and South Sudan over the disputed oil-rich Abyei region. Between 2011 and 2013, UNMISS failed to protect civilians in the increasingly violent confrontations between rival militias and armed factions in Jonglei state and other parts of the country. UNMISS was therefore criticized for its passivity, despite being authorized with a peace-enforcement mandate to take 'all necessary means' to protect civilians.

When President Kiir stripped Reik Machar of his vice-presidential powers in April 2013 because of political differences, the stage was therefore set for a violent confrontation. This was escalated in July 2013 by President Kiir's sacking of the entire cabinet, including vice president Machar. These developments clearly indicated serious political instability in the governance system, the dysfunctionality of the ruling SPLM party, and the possibility of disgruntled senior political figures resorting to violence as the only means to address their political grievances and their marginalization from the political and economic processes of the country. Yet, by November 2013, the UN and the international community were still expressing cautious optimism about the future of South Sudan. In fact, the African Development Bank approved a loan of US$25 million on the same day that the armed conflict broke out.

Excessive Focus of the International Community on Preventing Outbreak of War with Sudan

Since the signing of the CPA in 2005, the international community, and in particular the African Union (AU), has been preoccupied with preventing a full-scale war between Khartoum Sudan and South Sudan over the disputed Abyei region and border demarcation between both countries. After independence, the

AU facilitated the development and implementation of nine Cooperation Agree-
ments as part of its roadmap for peaceful relations between both countries and for
the maintenance of regional security and stability. The AU roadmap Cooperation
Agreements were adopted by the AU Peace and Security Council on 24 April 2012
and the UN Security Council on 2 May 2012 (Resolution 2046). Both Khartoum
Sudan and South Sudan signed the nine Cooperation Agreements on 27 September
2012, and on 12 March 2013 they signed its implementation matrix, which pro-
vided the basis for trust, confidence building, and cordial relations (Jumbert and
Rolandsen 2013).

The potential for war between the two countries was a major and increasingly
growing concern for the international community. This excessive international focus
on the possibility of imminent war between the two countries was justified. Even before
independence, there had been violent clashes over Abyei, and these escalated after
independence. These fears became manifest when Khartoum Sudan seized control of
Abyei, which prompted the involvement of the UN and the international community
to mediate the resolution of the disputed border region.[8] At the height of the tensions
over Abyei, President Omar Al Bashir of Sudan threatened that 'the oil of South Sudan
will not pass through Sudan ever again' (BBC 2011). Violent clashes between the two
countries overshadowed the independence schedule and raised the spectre that there
would be no amicable separation. The US Senator, John Kerry (later Secretary of State),
described the situation during his visit to Juba as 'ominously close to the precipice of
war' (Copnall 2011).[9] The UN Security Council Resolution 1996 (2011) determined
that the prospect of war between both countries constituted a threat to international
peace and regional security (UNSC 2011).

During the Abyei crisis, South Sudan was also grappling with a major armed
rebellion in Unity State, next door to Abyei, but this did not receive much international
attention.[10] It was rather the prospect of a new war between the two countries that
exercised the attention of the international community, and the priority was to pull
back both belligerent states from the precipice of war. Inevitably, this distracted
attention from the equally immediate and complex task of nation-building.

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[8] In 2009, the Permanent Court of Arbitration ruling in The Hague adjudicated most of the oil fields
outside of Abyei's borders. Both Sudan and South Sudan depend on oil revenues and 98 per cent of
South Sudan's national budget is derived from oil revenue. But Abyei is still strategically important to the
patterns of violent conflict in South Sudan. Abyei is the centre of ethnic contestations for control over
grazing rights and resources between the Southern Dinka Ngot and the Northern Arab Misseriya
nomadic groups. The pastoralist and nomadic clashes over resources and grazing of cattle have been a
constant feature of the formation of violent conflict in the Abyei region.

[9] During my capacity-building visits to Juba between 2010–11, there was palpable fear of a new war
with North Sudan and most of our discussions with senior SPLA officers and some government
ministers were simply about preparation for a new war over Abyei.

[10] According to intelligence reports, the government of Khartoum was alleged to have funded and
armed rebellion in Unity State to destabilize the prospect of full independence in South Sudan.

Failure of Political Leadership and the Curse of the Liberation Movement

The new ruling and governing elites, represented by the SPLM political party and SPLA national army, bear much of the responsibility for the current crisis in South Sudan. Since the creation of the SPLA and its political wing, the SPLM, in 1983, it has been plagued by authoritarian control and summary executions of political opponents. John Garang, as leader of SPLA/M until his death in July 2005, was known for his intolerance of constitutional norms and democratic principles, and is alleged to have ordered the summary execution of political rivals. Even Salva Kiir and Reik Machar fell out with Garang. Kiir was accommodated because of the perception that he posed no threat to Garang, unlike Machar, who is highly educated with a PhD in Engineering, articulate, urbane, and ambitious. Kiir became the 'accidental president' by virtue of serving as Deputy Leader of the SPLM. Machar, for his part, has never accepted the leadership of Kiir, whom he perceives as uneducated and unfit to be president of South Sudan.

The SPLM has been riven by internal divisions and splits in 1991 and 2001 after the failure of the Khartoum peace agreement. What kept it together as a 'unified' group was the common struggle to break away from Khartoum Sudan and secure political independence. With the attainment of political independence, the fostered solidarity and unity was replaced by power struggles and political rivalries for the control of the new state.

The recurrent power struggles within the SPLM illustrates the fact that the international community failed to appreciate that the SPLM was not a legitimate and democratically accountable political party based on a popular mandate. The SPLM leadership, in particular Salva Kiir and Reik Machar, are experienced liberation fighters who, during the liberation struggle, never respected the constitutional provisions and demands placed on the SPLM. They always used the exigencies of the liberation war to justify any fragrant breach of SPLM constitutional principles or intolerance to democratic freedoms. It is therefore not surprising that at independence the SPLM ruling and governing elites who found themselves in control of the new state simply continued with 'business as usual', i.e., disregard for constitutional and democratic principles. However, they paid lip service to respect for constitutional procedures and democratic norms insofar as it provided the opportunity for access to donor funding.

The ruling SPLM and returning diaspora now became the governors of the new state and rapidly became the manifestation of the 'politics of the belly' (Bayart 1993). In that, the new ruling SPLM used their political leadership not for efficient political and economic management of the state but simply to privatize, informalize, and subvert the official state governing institutions for personal aggrandizement. The ruling SPLM monopolized state governance and now has 97 per cent of parliamentary seats, essentially running a one-party state. The new 'governors' of the new state became the 'nouveau riche' and purveyors of patrimonial largesse to their ethnic groups, supporters, and loyalists in the military, hardly making any distinction between the

public and private realm of the state. This neo-patrimonial leadership of the ruling SPLM led to rampant corruption, bad governance, and the use of the state military and police agencies to crush any opposition and dissent to their rule. Barely two months after independence, the unconstitutional sacking of Malik Agar, the elected SPLM-N governor of the Blue Nile State sparked armed violence in the region.

To all intents and purposes, the ruling SPLM party became a law unto itself, disregarding constitutional principles, democratic values, and respect for fundamental rights. The SPLM leadership simply behaved as a 'Liberation Army', intolerant of all democratic principles and constitutional practices. The majority of the SPLM leadership were still stuck in the 'Liberation Movement' mentality and failed to grasp the import of governing a new state based on accountable and transparent constitutional principles and democratic practices. This is not surprising, because no effort was made during the liberation struggle and the six years preparation for statehood after the signing of the CPA to transform the SPLM into a legitimate and democratically accountable political party. With the attainment of independence, the SPLM government still ran the new state on the outdated 'Liberation Movement' structures with the Political Bureau (the highest decision-making body of the SPLM) and the National Liberation Council (the SPLM legislature) as the principal political party governance structures of the new state.

In effect, the SPLM did not bother to develop strong, viable, disciplined, and modern political party institutions, with a clear socio-economic and development agenda to take the new country forward after independence. This glaring lack of a post-liberation-war development agenda created the opportunity for humanitarian and development agencies to lead the provision of social and welfare services. It becomes clear that at independence, South Sudan was not really a state with the capacity to demonstrate the performance criteria of statehood beyond the international legal recognition of statehood. What is more, South Sudan was a weak state because its political, economic, development, and security/military institutions were malleable, if not, dysfunctional. The new state had no control over the use of force in its territory, with no proper functioning democratically accountable political party or parties. To compound this already difficult situation, the international community failed to appreciate the enormity of the nation-building challenges and the type of state governing institutions that they were dealing with. The majority of the international actors in South Sudan—and even the key backers of the new state—simply regarded the SPLA as being 'just like any other rebels and armies in Africa'.[11] The head of UNMISS, displaying a similar lack of appreciation of the immediate and complex nation-building challenges, stated: 'Of course, there is much to be done to strengthen and develop democratic institutions, but it is important to acknowledge that these have been put in place' (BBC 2014).

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[11] Comment by UK diplomat in 2006.

Failure to Transform the SPLA into a National Army

Perhaps the most significant neglect by the local political elites and the international community has been the failure to support the transformation of the SPLA into a professional, trained, and accountable peacetime national army that is subjected to civilian democratic control and oversight. The SPLA was never a unified force, but a collection of competing ethnic groups and affiliations including Nuers, Dinkas, Shilluks, Mandari, Barya, and Acholis, with warlords leading these ethnic constellations. Historically, the SPLA has been an enforced unified fighting force, united against the common enemy, Khartoum Sudan. Though a formidable combatant, the SPLA was never an organized and professional military force. Garang's personalized leadership made sure that the SPLA was a factionalized and poorly organized group.

The SPLA's ethnic base and military capability have been the political constituency of the leaders of the SPLM in the post-independence period. This posed a serious challenge for transforming the SPLA into a national army subject to civilian democratic control. How could the new political leaders curtail their politico-military constituency through any democratically accountable security-sector reform process? The majority of the political leaders of the new state, including Salva Kiir and Reik Machar, owe their position to their military constituency.

A major problem is that the government's disarmament, demobilization, and reintegration programme, implemented since 2006, has not been successful. Even before the outbreak of the new war, South Sudan has been awash with small arms and light weapons, partly due to the failure of the disarmament process and the proliferation of small arms in the pastoralist communities of Lakes, Jonglei, Eastern Equatorial, and Upper Nile states. By 2005, when the CPA was signed, the SPLA was one of several military factions in South Sudan. Others included the Khartoum-funded rival South Sudan Defence Forces. These disparate military forces were simply incorporated into the new national army, and their leaders given positions in the government and army, with access to oil revenue. It is therefore not surprising that 55 per cent of the national budget is spent on defence.

The ruling SPLM government has often preferred quick-fix solutions and compromises to buy off armed groups and militias that threaten national security and stability. Large military forces and militias have been integrated into the SPLA national army without the proper professional training and standard requirements. The poor management of the reform of the security sector has led to the situation whereby the SPLA national army has no practical and coherent common ethos and lacks discipline and respect for authority.[12] The failure of disarmament and the reform of the security sector created a militarized environment in which disputing political leaders will turn to the politicized and ethnically motivated army for support. According to de Waal and

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[12] During my visits to South Sudan I am constantly shocked by the reckless indiscipline of SPLA soldiers. They have no respect for civilians, do not recognize or obey any traffic regulations, and often drive dangerously amongst civilians.

Mohammed (2014), 'The army was little more than a coalition of ethnic units tied together by cash handouts. Successive efforts to establish a centralized roster of soldiers were thwarted. Too often, disarmament operations became ethnically selective, leaving disarmed communities open to attack by their neighbours. In 2012, when Kiir promised to "name and shame" corrupt army commanders, those commanders forced him to retract.' In effect, there has been no serious effort and investment to transform a liberation army into a national defence force.

Conclusion: Investment in Post-War Peacebuilding and Nation-Building

These failures have, therefore, led to the usual ill-defined international responses and solutions in the form of a civil-war peace settlement that will be foisted on South Sudan. The international community, and in particular the Troika, EU, UN, and the African Union, are backing the IGAD-led peace process in Ethiopia between the government of President Kiir and the rebel faction led by Reik Machar. By all indications, this external mediation of the current war in South Sudan will end up producing the all-too-familiar African civil-war peace settlement, starting with a ceasefire agreement that will establish a power-sharing government between President Kiir's regime and Reik Machar's rebel faction, guaranteed by the international community and enforced by the deployment of an expanded UNMISS with a robust peacekeeping mandate. But all these short-term, quick fix, and exit-strategy-oriented interventions are bound to unravel with the next outbreak of violent conflict because the fundamental grievances and urgent nation-building imperatives are not addressed by the key Western and African backers of South Sudan simply because of the lack of long-term commitment to nation-building and post-war peacebuilding.

The case study of South Sudan has demonstrated that the country is hardly a good model for the timing and sequencing of post-conflict peacebuilding. If anything, South Sudan illustrates how events on the ground and the pursuit of strategic interests by the local political elites and of the key external states predetermine, frame, and influence the timing, scope, and even the nature of post-war peacebuilding interventions. However, this false start by the world's newest state may be just the opportunity needed to develop and implement a coherent, integrated, coordinated, and predictable peacebuilding intervention in South Sudan. The important lesson of the new civil war is that it has foisted on all the key stakeholders, major powers, and intergovernmental institutions the imperative to work together on all issues relating to post-war peacebuilding and nation-building. In fact, the civil war has led to increased and enhanced collaboration, coordination, integration, and sequencing of peacebuilding and nation-building intervention activities at national and international levels, as well as between UNMISS, the UN Country Team, the AU, IGAD, the African Union-UN Hybrid

Mission in Darfur (UNAMID), the UN Interim Security Force for Abyei (UNISFA), and the UN Stabilization Mission in DR Congo (MONUSCO).

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